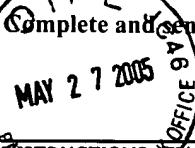


PART B - FEE(S) TRANSMITTAL



Complete and send this form, together with applicable fee(s), to: Mail

5-31-5

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. Add further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

24267 7590 04/25/2005

CESARI AND MCKENNA, LLP
88 BLACK FALCON AVENUE
BOSTON, MA 02210

06/01/2005 HYUONG2 0000002 09933866

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FC:1501 1400.00 DP

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Express

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

| | |
|--------------------------|--------------------|
| Stephanie Mannino | (Depositor's name) |
| <i>Stephanie Mannino</i> | (Signature) |
| May 27, 2005 | (Date) |

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/933,866 | 08/20/2001 | Samuel M. Cramer | 112056-0004 | 6355 |

TITLE OF INVENTION: OPERATOR INITIATED GRACEFUL TAKEOVER IN A NODE CLUSTER

| APPLN. TYPE | SMALL ENTITY | ISSUE FEE | PUBLICATION FEE | TOTAL FEE(S) DUE | DATE DUE |
|----------------|--------------|-----------|-----------------|------------------|------------|
| nonprovisional | NO | \$1400 | \$0 | \$1400 | 07/25/2005 |

| EXAMINER | ART UNIT | CLASS-SUBCLASS |
|--------------------|----------|----------------|
| MANOSKEY, JOSEPH D | 2113 | 714-004000 |

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
 Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
 "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list
 (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Cesari and McKenna, LLP
 2 _____
 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Network Appliance, Inc.**Sunnyvale, CA**Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government

4a. The following fee(s) are enclosed:

4b. Payment of Fee(s):

Issue Fee
 Publication Fee (No small entity discount permitted)
 Advance Order - # of Copies _____

A check in the amount of the fee(s) is enclosed.
 Payment by credit card. Form PTO-2038 is attached.
 The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number **03-1237** (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date **May 27, 2005**Typed or printed name **James M. Behmke**Registration No. **51,488**

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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PATENTS
112056-0004
P01-1027

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re The Application of:)
Samuel M. Cramer et al.)
Serial No.: 09/933,866)
Examiner: Manoskey, Joseph D
Filed: August 20, 2001)
Art Unit: 2113
For: OPERATOR INITIATED GRACE-)
FUL TAKEOVER IN A NODE)
CLUSTER)
Cesari and McKenna, LLP
88 Black Falcon Avenue
Boston, MA 02210
May 27, 2005

EXPRESS-MAIL DEPOSIT

"Express Mail" Mailing-Label Number: EV 432397071 US

The following papers are being deposited with the United States Postal Service
"Express Mail Post Office to Addressee" service pursuant to 37 C.F.R. §1.10:

Check No. 30546 for \$1400
 Issue Fee Transmittal (Part B)

Issue Fee Transmittal Letter
 Return Request Postcard



PATENTS
112056-0004
P01-1027

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re The Application of:)
Samuel M. Cramer et al.)
Serial No.: 09/933,866) Confirmation No.: 6355
Filed: August 20, 2001)
For: OPERATOR INITIATED GRACE-) Examiner: Manoskey, Joseph D
FUL TAKEOVER IN A NODE)
CLUSTER) Art Unit: 2113
Cesari and McKenna, LLP
88 Black Falcon Avenue
Boston, MA 02210
May 27, 2005

“Express Mail” Mailing-Label Number: EV 432397071 US

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

ISSUE-FEE TRANSMITTAL

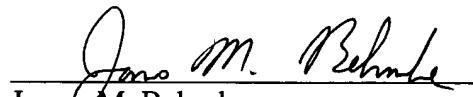
In response to the Notice of Allowance and Issue Fee Due mailed April 25, 2005,
for the above-identified application, enclosed are the following documents:

- Issue Fee Transmittal Form PTOL-85b;
- Fee Transmittal Letter; and
- a check for \$1400 to cover the issue fee.

PATENTS
112056-0004
P01-1027

Please charge any additional fee occasioned by this paper to our Deposit Account
No. 03-1237.

Respectfully submitted,


James M. Behmke
Reg. No. 51,448
CESARI AND MCKENNA, LLP
88 Black Falcon Avenue
Boston, MA 02210-2414
(617) 951-2500